

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

February 24, 2003

GSBCA 16000-RELO

In the Matter of CHARLES M. RUSSELL

Charles M. Russell, Woodinville, WA, Claimant.

Gerald H. Meader, Staff Attorney, Office of General Law, Headquarters, United States Coast Guard, Washington, DC, appearing for Department of Transportation.

BORWICK, Board Judge.

Claimant seeks entitlement to reimbursement of temporary quarters subsistence expenses (TQSE) as a new appointee. We deny the claim since the agency correctly decided that claimant was not entitled to reimbursement of TQSE.

Claimant received a career conditional appointment as a criminal investigator with the agency; the appointment was effective May 5, 2002. On or about April 24, 2002, the agency issued a travel authorization for claimant and his family to travel from claimant's residence in New Orleans, Louisiana, to claimant's first duty station in Seattle, Washington. In block seventeen, the travel authorization stated that claimant was entitled to subsistence expenses for claimant and his family while occupying temporary quarters for "a period not to exceed 0 days."

Claimant says that before the effective date of his appointment, the agency had sent claimant a United States Coast Guard Restrictions Agreement which mentioned reimbursement of TQSE as well as reimbursement for house hunting trips and use of relocation services companies. Claimant understood that as a new appointee he was not entitled to reimbursement for a house hunting trip or for use of a relocation services contractor. However, he inquired about reimbursement of TQSE. Claimant states that "the options were explained to me and I chose the actual TQSE reimbursement." Claimant then signed the restriction agreement and the check box in that agreement which referenced actual TQSE reimbursement for a typical period of sixty days.

Upon claimant's arrival in Seattle, he secured temporary quarters and incurred lodging expenses of \$4599 for the first sixty days. Claimant then talked to agency personnel about an extension of what claimant believed to be his initial sixty-day TQSE period and was

informed that, as a new appointee, he was not entitled to reimbursement of TQSE. Claimant filed a claim at this Board for reimbursement of TQSE.

New appointees are entitled to transportation of personal effects and household goods, travel expenses for the appointee and his family, and, if the agency allows, the transportation of a privately-owned motor vehicle. New appointees are not entitled to reimbursement of TQSE, per diem for family members, cost of a house hunting trip, miscellaneous expense allowance, or residence sale and purchase expenses. 5 U.S.C. §§ 5723 (a)(1)-(3), 5724a (2000); 41 CFR 302-3.2, -3.3 (2001); see Louis L. Lawes, GSBCA 15577-RELO, 02-1 BCA ¶ 31,748. Here, claimant's travel authorization stated, albeit indirectly, that claimant was not entitled to reimbursement of TQSE.

Erroneous statements by agency personnel that claimant, as a new appointee, would be entitled to reimbursement of TQSE cannot bind the agency to reimburse claimant because the reimbursement would violate statute and regulation. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380, 384-85 (1947); Charles Anderson III, GSBCA 15747-RELO, 02-2 BCA ¶ 31,892.

The Board denies the claim.

ANTHONY S. BORWICK
Board Judge